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EX PARTE OR LATE FILED

August 17, 1999

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Ex Parte Filing in Cases WR 99-217; CC 96-98

Dear Mr. Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states, 70 or more new phone companies have been certified to provide service. Add in the wireless phone companies and under your rule, you may have 100 companies allowed to place their wires in a building and their antennas on the roof, all without the landlords' permission.

The FCC lacks the authority to do this. It would violate basic property rights (a landlord, city or condominium has the right to control who comes on the property). Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction, which under Federalism and the Tenth Amendment you may not preempt.

The application of zoning principles is highly dependent on local conditions. Zoning has not unnecessarily impeded technology or the development of our country's economy, nor will it here. There is no basis to conclude that for a brand new technology (wireless fixed telephones) with a miniscule track record that there are problems on such a massive scale as to warrant Federal action.

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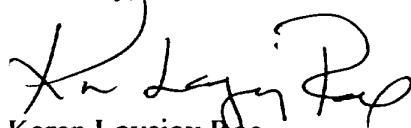
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7200 S. Huron River Dr.
Ypsilanti, MI 48197
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In regards to rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown. Nationwide there are 38,000 municipalities, thousands of phone companies, and only about a dozen court cases, to show that the system is working. It is not broken.

In conclusion, we are surprised that you suggest that the combined federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes. Once again, please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,



Karen Lovejoy Ree
Supervisor

KLR/sg

CC:

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Mr. Jeffrey Steinberg
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